

Record of Proceedings dated 16-06-2021

O.P.No.38 of 2020
APEPDCL Vs ---
O.P.No.39 of 2020
APSPDCL Vs ---

Petition seeking approval of the Commission to consider issuing suitable amendments to certain clause of the Regulation 6/2004 in pursuant to clause 11 (2) of Regulation 6/2004

Sri P. Shiva Rao, learned Standing Counsel for APEPDCL & APSPDCL and Sri C.V. Mohan Reddy, learned senior counsel representing Sri Challa Gunaranjan, learned counsel for (i) M/s. Synergies Castings Ltd (ii) M/s. Rain Cements Ltd (iii) M/s. AP Ferro Alloys Producers Association & (iv) M/s. Abhijeet Ferro Tech Ltd., Sri K. Gopal Choudary, learned counsel for Federation of Andhra Pradesh Chambers of Commerce and Industry (FAPCCI) are present at the web hearing.

After commencement of the arguments, Sri P. Shiva Rao, requested for an adjournment for filing additional counter to the objections raised by Sri C.V. Mohan Reddy and Sri K. Gopal Chowdary, representing the objectors. The request is accepted. The Additional counter, if any, shall be filed within ten days. Sri C.V. Mohan Reddy offered to upload relevant Judgements on the scope of Removal of difficulty Clause under which the petitions have been filed. Sri K. Gopal Chowdary also requested for an opportunity to file reply, if any. Permission is accordingly granted. Call on 11-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 62 of 2021 & IA No. 1 of 2021
M/s. Texonic Instruments Vs. APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the Electricity Act, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 16-12-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in OP.Nos. 6 & 7 of 2009

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

Sri. A.P. Reddy, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for respondents are present at the web hearing.

Sri P. Shiva Rao, requested for time for filing counter. Call on 04-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.16 of 2021

M/s. Protectron Electromech Private limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 22-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.17 of 2021

M/s. Orange Sorting Machines (India) Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 19-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.18 of 2021

M/s. International Conveyors Limited (Phase-II) Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 20-08-2011 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.19 of 2021

M/s. Mayura Steels Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 22-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.20 of 2021

M/s. Shilpa Medicare Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 03-03-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.21 of 2021

M/s. Nandi Roller Flour Mills Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 20-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.22 of 2021

M/s. Canara Cement Pipes Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 19-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.23 of 2021

M/s. Meghna Associates Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 23-04-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.24 of 2021

M/s. International Conveyors Limited (Phase-I) Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 20-08-2011 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.25 of 2021

M/s. Happy Valley Developers Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 16-12-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.26 of 2021

M/s. Ramson Asbestos Cement Products Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the Power Purchase Agreement dated 31-01-2012 and for a direction against the Respondents for the payments of the outstanding amounts

Sri A.P. Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned

Standing Counsel for the respondents are present at the web hearing.

Sri P. Shiva Rao submitted that the admitted arrears upto 31-3-2020 at the tariff fixed under the PPAs will be cleared by 15-07-2021. He further submitted that as the initial ten year period for which the tariff was fixed has expired on 31-03-2021, the respondents may be permitted to pay the adhoc tariff @ Rs.2.43 ps. per unit as has been permitted in similar cases. As regards the surcharge for late payment, the learned Standing Counsel submitted that the same will be decided later. Sri A.P. Reddy, learned Counsel for the petitioners, has not disputed the above submissions. Accordingly, the respondents are directed to pay the admitted arrears of tariff as per the approved PPA upto 31-03-2020 on or before 15-07-2021. The respondents shall also pay @ Rs.2.43 per unit from 1-4-2020 which shall be subject to fixation of tariff in the O.P.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.35 of 2021

M/s. Protectron Electromech Private limited Vs APTRANSCO & APSPDCL

Petition under section 8(1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the PPA dated 16-10-2012 and for a direction against the respondents for the payments of the outstanding amounts

O.P.No.36 of 2021

M/s. R3K Power LLP Vs APTRANSCO & APSPDCL

Petition under section 8(1)(b), 86(1)(e) and 86 (1) (f) of the EAct, 2003 for specific performance of the PPA dated 03-01-2013 and its amendment dated 08-05-2020 for a direction against the respondents for the payments of the outstanding amounts

Sri A.P. Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri P. Shiva Rao submitted that the admitted arrears upto 31-3-2020 at the tariff fixed under the PPAs will be cleared by 15-07-2021. As regards the surcharge for late payment, the learned Standing Counsel submitted that the same will be decided later. Sri A.P. Reddy, learned Counsel for the petitioners, has not disputed the above submissions. Accordingly, the respondents are directed to pay the admitted arrears

of tariff as per the approved PPA upto 31-03-2020 on or before 15-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.38 of 2021 & I.A.No.1 of 2021

M/s Rayala Wind Power Company Private Limited & Ors. Vs APSPDCL & APEPDCL

Petition seeking indulgence of this Hon'ble Commission and invoking its Regulatory Jurisdiction under Section 86(1)(e) read with Section 86 (1)(f) of the Electricity Act 2003

I.A.No.1 of 2021 - Application seeking interim directions under Regulation 55 of APERC (Conduct of Business) Regulations, 1999 r/w Section 151 of the Code of Civil Procedure, 1908

Sri A.P. Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Further time for counter is prayed for by Sri P. Shiva Rao. Two weeks' time is accordingly granted. Rejoinder shall be filed within two weeks thereafter. Call on 04-08-2021.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.21 of 2020

Tata Power Renewable Energy Ltd Vs APSPDCL, APSLDC & APTRANSCO

Petition for directions treating the loss of a generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/TPREL and direct Respondent No. 1 to make payment for the said Deemed Generation Charges.

Sri Shri Venkatesh, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Rejoinder is stated to have been filed but the same is not on file. Office shall ensure that the Rejoinder is kept on file. At the request of Sri P. Shiva Rao, call on 04-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.45 of 2020
Steel Exchange India Ltd Vs APSLDC / APTRANSCO

Petition Filed under Section 86(1)(e) of The Electricity Act, 2003 R/w Clause 9 of the Andhra Pradesh Electricity Regulatory Commission Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy / Renewable Energy Certificates) Regulations, 2017.

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing. Counter is filed. Sri Challa Gunaranjan, requested for time for filing rejoinder. Accordingly, two weeks' time is granted for filing rejoinder. Call on 04-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.31 of 2020
APPDCL Vs APSPDCL & APEPDCL

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of operational parameters and variable cost for sub-critical and super-critical operation for procurement of power from 2 x 800 MW Sri Damodaram Sanjeeviah Thermal Power Station (SDSTPS)

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of Sri P. Shiva Rao, call on 04-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A. No.19 of 2019 in O.P. No. 35 of 2019
M/s. Vayu Urja Bharat Pvt. Ltd Vs. APSPDCL

IA No. 19 of 2020 - Application under Section 142 of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999, as amended, seeking urgent directions against APSPDCL for the non-compliance of this Commission's order dated 31-08-2019 in O.P.No. 35 of 2019

Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Sri P. Shiva Rao reported that as undertaken on 6-4-2021, the sum of Rs.55.64 crores was paid. Sri Aniket Prasoon has made detailed submissions on the points raised in the I.A. According to the learned Counsel, the respondents have unjustly withheld a sum of Rs.70.54 crores towards GBI and CUF. He has submitted that the order of this Commission on GBI has been suspended by the Hon'ble A.P. High Court by its order dated 23-8-2018 and that the PPA does not impose any ceiling on the payment to be made in respect of generation in excess of the CUF. Sri P. Shiva Rao requested for time for making his submissions. Call on 04-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

IA No. 49 of 2020 in O.P.No. 37 of 2019
Sri. Ch. Chandramouli & Sri Ch. Venugopal Rao Vs. Sri. A. Md.Imtiaz IAS Collector & District Magistrate, Krishna District

Petition filed u/s 142 & 146 of the Electricity Act, 2003

Sri. P. Chengal Reddy, counsel for the petitioner and Sri. Venkateswarlu, DRO representing Collector & District Magistrate, Krishna District are present at the web hearing.

Sri Venkateswarlu, DRO, represented that the Collector & District Magistrate, Krishna at Machilipatnam, has passed an appropriate order on 29-05-2021 fixing the compensation. Sri P. Chengal Reddy however submitted that neither he nor his

clients have received the said order. The DRO has undertaken to file the said order along with an affidavit within one week from today after sending the same to the petitioners or their counsel through e-mail of the counsel for the petitioners. Call on 04-08-2021.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

IA No. 1 of 2021 & I.A. No. 34 of 2020
in
O.P.No. 30 of 2016
M/s. SIFLON Drugs Vs. APTRANSCO & APSPDCL

IA No. 1 of 2021 - Application filed by Respondent No. 2 / APSPDCL to amend the orders dated 31-03-2018 passed in OP No. 30 of 2016 under Clause 55 of APERC Conduct of Business Regulation r/w Section 152 of CPC.

IA No. 34 of 2020 - Petition under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for violating and dis-obeying the orders passed by the Commission dt.31-03-2018 in OP No.30 of 2016.

Sri. Challa Gunaranjan, learned Counsel for the Petitioner and Sri P. Shiva Rao, learned Standing counsel for the utilities are present at the web hearing.

We have further heard the learned Counsel for the parties. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR